



D8-22-01

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission **201**Application Number **09/844,706**Filing Date **04/27/2001**First Named Inventor **Shah**Group Art Unit **2121**Examiner Name **Not Yet Assigned**Attorney Docket Number **68110328.713****ENCLOSURES (check all that apply)**

Fee Transmittal Form  
 Fee Attached  
 Amendment / Reply Preliminary  
 After Final  
 Affidavits/declaration(s)  
 Extension of Time Request  
 Express Abandonment Request  
 Information Disclosure Statement  
 Certified Copy of Priority Document(s)  
 Response to Missing Parts/ Incomplete Application  
 Response to Missing Parts under 37 CFR 1.52 or 1.53

Assignment Papers (for an Application)  
 Drawing(s)  
 Licensing-related Papers  
 Petition  
 Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation Change of Correspondence Address  
 Terminal Disclaimer  
 Request for Refund  
 CD, Number of CD(s) \_\_\_\_\_

After Allowance Communication to Group  
 Appeal Communication to Board of Appeals and Interferences  
 Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  
 Proprietary Information  
 Status Letter  
 Other Enclosure(s) (please identify below):

**Declaration for Utility/Design Patent Application  
Request to Correct Filing Receipt**

**Check in the amount of \$840 for Missing Parts fees  
Check in the amount of \$40 for assignment fee  
Copies of Patent References  
Postcard Acknowledgement**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual name**John G. Flaim  
BAKER & MCKENZIE**

Signature

Date

**08/21/2001****CERTIFICATE OF MAILING****EL698812603US**I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as **Express** mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: **08/21/2001**

Typed or printed name

**Donna Yarbrough**

Signature

Date **08/21/2001**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/844,706	04/27/2001	Arun Shah	68110328.713



Brian C. McCormack  
Baker & McKenzie  
2001 Ross Avenue, Suite 2300  
Dallas, TX 75201

**CONFIRMATION NO. 9552**  
**FORMALITIES LETTER**



OC00000006214987\*

Date Mailed: 06/22/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION****FILED UNDER 37 CFR 1.53(b)*****Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 840.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
  - Drawings must be reasonably free from erasures and must be free from alterations, overwritings, interlineations, folds, and copy marks.

08/27/2001 EABUBAK1 00000092 09844706

01 FC:101  
02 FC:105710.00 OP  
130.00 OP

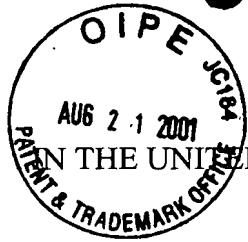
*A copy of this notice **MUST** be returned with the reply.*

Zander W.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## IN THE UNITED STATES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

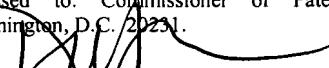
<b>Applicant(s):</b> Shah et al	§	<b>Group Art No.:</b>	2121
<b>Serial No.:</b> 09/844,706	§	<b>Examiner:</b>	Not Yet Assigned
<b>Filed:</b> April 27, 2001	§	<b>Atty. Docket No.:</b>	68110328.713
<b>For:</b> Allocation Measures and Metric Calculation	§		

**RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF APPLICATION**

EXPRESS MAIL MAILING LABEL NO.: EL698812603US

DATE OF DEPOSIT: 21 Aug. 2001

I, Donna Yarbrough, hereby certify that this correspondence is being deposited on the date shown above with sufficient postage with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
Signature

21 Aug. 2001  
Date

Commissioner of Patents  
Washington, D.C. 20231  
Attn: Initial Patent Examination Division

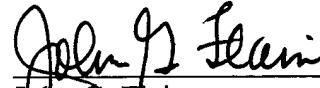
Dear Sir:

In response to the Notice to File Missing Parts of Application, mailed June 22, 2001, enclosed are the following:

11. A copy of the "Notice to File Missing Parts of Nonprovisional Application";
2. A Declaration for Utility or Design Patent Application (37 CFR 1.63) signed by inventors Shah, Novy and Ertl;
3. Formal drawings Figures 1-9;

4. Request to Correct Filing Receipt;
5. Preliminary Amendment;
6. Assignment Recordation Cover Sheet;
7. Assignment;
8. Information Disclosure Statement, PTO/SB/08A and copies of prior art references;
9. A check in the amount of \$40 to accommodate the assignment recordation fee; and
10. A check in the amount of \$840 to accommodate the filing fee for a large entity of \$710 and the late filing fee for oath or declaration of \$130.

Respectfully submitted,

  
John G. Flaim  
Reg. No. 37,323

ATTORNEY FOR APPLICANTS

Date: August 21, 2001  
BAKER & MCKENZIE  
2001 Ross Avenue, Suite 2300  
Dallas, TX 75201  
214/978-3000  
214/978-3099 fax

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Shah et al

Application No:

09/844,706

Filing Date:

April 27, 2001

Examiner:

Not Yet Assigned

Group Art No:

2121

Attorney Docket Number:

68110328.706

For: Allocation Measures and Metric Calculation

Office of Initial Patent Examination  
Customer Service Center  
Commissioner for Patents  
Washington, D.C. 20231

**REQUEST FOR CORRECTED FILING RECEIPT**

Dear Commissioner:

Attached is a copy of the official Filing Receipt received from the United States Patent and Trademark Office in the above application for which issuance of a corrected filing receipt is respectfully requested.

There are errors with respect to the domestic priority data as claimed by applicant. The priority information listed on the filing receipt is incorrect. The filing receipt should reflect the following:

“This Appln Claims Benefit of 60/199,975 04/27/2000 and 09/837,114 04/17/2001.”

Applicants have concurrently filed a Preliminary Amendment correcting the specification accordingly.

Applicants believe that no fees are required in connection with this filing. However, to the extent that fees are required, the Commissioner is authorized to charge those fees, or credit any overpayment, to Account No. 13-0480, Attorney Docket No. 68110328.713.

Respectfully submitted,



John G. Flaim  
Registration No. 37,323

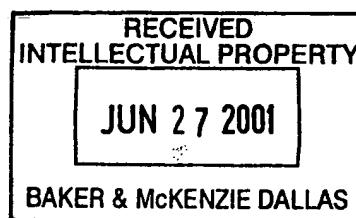
Date: August 21, 2001  
BAKER & MCKENZIE  
2001 Ross Avenue  
2300 Trammell Crow Center  
Dallas, Texas 75201  
Telephone: (214) 978-3000  
Facsimile: (214) 978-3099



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/844,706 ✓	04/27/2001	2121	0.00	68110328.713✓	10	10	2



CONFIRMATION NO. 9552  
FILING RECEIPT



\*OC000000006214986\*

Brian C. McCormack  
Baker & McKenzie  
2001 Ross Avenue, Suite 2300  
Dallas, TX 75201

Date Mailed: 06/22/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Arun Shah, Saratoga, CA;  
Robert F. Novy, Redwood City, CA;  
Robert A. Ertl, Residence Not Provided;

**Domestic Priority data as claimed by applicant**

THIS APPLN CLAIMS BENEFIT OF 60/199,975 04/27/2000

**Foreign Applications**

PCT/US01/12501 04/17/2001

**If Required, Foreign Filing License Granted 06/21/2001**

**Projected Publication Date:** To Be Determined - pending completion of Missing Parts

**Non-Publication Request:** No ✓

**Early Publication Request:** No ✓

**Title**

Allocation measures and metric calculation

Docketed  
By CC Date 10-28-2001  
Allocation measures and metric calculation ✓ Action Filing Date 7-07-2001  
Receipt  
Received